

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

RICKY JOHN HUBBARD,

VS.

CIVIL ACTION NO. 4:13-CV-112Y

**MIDLAND CREDIT MANAGEMENT, §
INC., MIDLAND FUNDING LLC, §
ENCORE CAPITAL GROUP, INC., §
FULTON FRIEDMAN & GULLACE, LLP, §
JOHNETTA LANG, LOW & MORGAN, §
PLLC, M. KIP MORGAN, JOSHUA §
SMITH, ATTORNEY, JOHN DOE, §
ATTORNEY §**

**MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING LLC, AND
ENCORE CAPITAL GROUP, INC.'S MOTION TO COMPEL FURTHER RESPONSES
TO DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 37, Defendants Midland Credit Management, Inc., Midland Funding LLC and Encore Capital Group, Inc. (collectively, the “Midland Defendants”) file this Motion to Compel Further Responses to Discovery.

1. On February 14, 2013, Plaintiff Ricky John Hubbard (“Hubbard”) filed a Complaint against the Midland Defendants for Violations of the FCRA and FDCPA.

2. After the Midland Defendants served Plaintiff with their First Set of Interrogatories and First Request for Production, Plaintiff responded to the Midland Defendants' discovery requests by objecting to all but one interrogatory and one request for production.¹

3. The Midland Defendants' discovery requests are reasonably calculated to lead to the discovery of admissible evidence. Specifically, the Midland Defendants seek information pertaining to Plaintiff's specific allegations against them, Plaintiff's causes of action, and the

¹ See Exs. C and D (App. 20-33)

damages that Plaintiff seeks from the Midland Defendants. Accordingly, Plaintiff should be compelled to answer the discovery, and should be ordered to pay the Midland Defendants reasonable expenses, including their attorneys' fees incurred in obtaining the Court's Order compelling further discovery responses.

4. A brief and appendix in support of Midland Defendants' Motion to Compel Further Responses to Discovery is contemporaneously being filed.

For these reasons, the Midland Defendants ask the Court to compel Plaintiff to file complete and further responses to the Midland Defendants' discovery requests and order Plaintiff to pay the Midland Defendants' reasonable expenses incurred in filing this motion, including their attorneys' fees.

Respectfully submitted,

By: /s/ Aimee G. Szygenda

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**ATTORNEYS FOR DEFENDANTS,
MIDLAND CREDIT MANAGEMENT,
INC., MIDLAND FUNDING LLC AND
ENCORE CAPITAL GROUP, INC.**

CERTIFICATE OF CONFERENCE

On October 15, 2013 and October 17, 2013, the Midland Defendants' counsel conferred with Plaintiff regarding Plaintiff's discovery responses. While the Midland Defendants' counsel identified to Plaintiff the insufficient responses, to date Plaintiff has not amended or supplemented his discovery responses. Therefore, this motion is considered opposed. On November 4, 2013, Counsel for the Midland Defendants' also conferred with Robbie Malone, counsel for Co-Defendants Fulton Friedman & Gullace, Inc., Johnetta Lang, M. Kip Morgan, and Low & Morgan, PLLC. Co-defendants are unopposed to this Motion.

/s/ Aimee G. Szygenda
Aimee G. Szygenda

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5, I certify that a true and correct copy of the foregoing document was sent on November 5, 2013 to:

Ricky J. Hubbard
501 Sycamore Lane, Apt. 225
Eules, Texas 76039

Via CM/RRR
and Via First Class Mail

Pro se Plaintiff

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/s/ Aimee G. Szygenda
Aimee G. Szygenda